



Federal Communications Commission  
Washington, D.C. 20554

April 7, 2016

Joey Battaino  
Saginaw Spirit Hockey  
5789 State St. Ste. 2  
Saginaw, MI 48603

Re: Case Identifier: CGB-CC-1368  
CG Docket No. 06-181  
Petition for Closed Captioning Exemption  
Dismissal of Petition

Dear Mr. Battaino:

This letter concerns your Petition for Exemption from the Federal Communications Commission's (FCC's) closed captioning rules. The FCC's Consumer and Governmental Affairs Bureau (Bureau) advises you that, for the reasons stated below, your above-referenced petition for exemption from the FCC's closed captioning rules has been dismissed as incomplete and you must begin providing closed captions for the programming that is the subject of your Petition within ninety (90) days of the date of this letter.

Pursuant to Section 79.1(f)(11) of the FCC's rules,<sup>1</sup> the programming that is the subject of your Petition has been exempt from the Commission's closed captioning requirements since it was first filed, while your Petition was pending. After reviewing your Petition,<sup>2</sup> the Bureau determined that it required additional and updated information to enable it to determine whether your programming should be exempted from the FCC's closed captioning requirements because captioning such programming would be economically burdensome to your organization. Accordingly, on February 2, 2016, the Bureau sent you a letter requesting additional and updated information regarding your Petition.<sup>3</sup> The letter stated that, unless you submitted the required information and materials outlined in the Bureau's letter by March 2, 2016, the Bureau would dismiss your petition.<sup>4</sup> On March 22, 2016, we telephoned you to inform you that we needed this supplementation, and you stated that it would be provided within a week. On April 1, 2016 we emailed you, stating that your Petition would be dismissed if we did not receive this

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<sup>1</sup> 47 C.F.R. § 79.1(f)(11).

<sup>2</sup> Letter from Joey Battaino, Director of Broadcasting & Communications, Saginaw Spirit Hockey Team (rec'd Jan. 26, 2016) (Petition).

<sup>3</sup> Letter from Suzy Rosen Singleton, FCC, to Joey Battaino (Feb. 2, 2016). (February letter).

<sup>4</sup> All the information and materials noted in the Bureau's letter is required in order for the Commission to consider a petition for exemption. *Anglers for Christ Ministries, Inc.*, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, FCC 11-159, 26 FCC Rcd 14941, 14955-6, ¶ 28 (2011).

supplementation by April 6, 2016. As of the date of this letter, we have not received the requested supplementation.

Therefore, as cautioned in the Bureau's letter and email, your Petition is dismissed without prejudice, because you did not submit the information requested by the Bureau's February 2, 2016 letter. Specifically, as stated in our February letter:

*Your submission of tax returns for years 2013 and 2014 are missing the necessary attachments and statements, which must be submitted in order to be considered complete.<sup>5</sup>*

Your submission was also missing the necessary affidavit or declaration, as was also noted in our February letter.<sup>6</sup> Accordingly, your Petition is dismissed without prejudice as of the date of this letter.

As noted above, beginning with the date that your Petition was received by the Commission, the programming that is the subject of your Petition has been exempt from the FCC's closed captioning requirements. However, we remind you that, with this dismissal, you must begin providing closed captioning for the programming that was the subject of your petition within ninety (90) days of the date of this letter. You must begin providing closed captioning by **July 6, 2016.**

Because your Petition is dismissed without prejudice, you may file a new petition for exemption from the FCC's captioning requirements. If you file a new petition, the programming that is the subject matter of the new petition will again be exempt from the FCC's closed captioning requirements while the new petition is pending. The Bureau will assign a new case identifier number to any new petition that you file. For more information on filing a new petition, please visit this link: <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements>. **Please note that your new petition must provide the FCC with up-to-date and complete information and must contain all of the information, materials, or documents necessary to support your request.** Your new petition may not incorporate by reference any information, materials, or documents that you have previously submitted to the FCC.

If you have additional questions pertaining to this letter or to the filing of an exemption request, please contact the FCC's Disability Rights Office at [captioningexemption@fcc.gov](mailto:captioningexemption@fcc.gov).



**E. Elaine Gardner**  
Attorney, Disability Rights Office  
Consumer and Governmental Affairs Bureau

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<sup>5</sup> February letter at 1-2.

<sup>6</sup> *Id.* at 2.